



PRYOR CASHMAN LLP

New York | Los Angeles | Miami

7 Times Square, New York, NY 10036-6569 Tel: 212-421-4100 Fax: 212-326-0806

pryorcashman.com

Perry M. Amsellem

Partner

Direct Tel: 212-326-0119

Direct Fax: 212-798-6315

pamsellem@pryorcashman.com

July 11, 2023

VIA ECF

Hon. Mae A. D'Agostino, U. S. D. J.
Northern District of New York
James T. Foley U.S. Courthouse
445 Broadway, Courtroom 5
Albany, New York 12207

Re: *Town of Salina, New York v. CWP Syracuse I LLC* – Case No. 5:23-cv-00748 – Joint Request on Consent to Adjourn Defendant's Time to Respond to Complaint Until Plaintiff's Motion To Remand is Decided

Dear Judge D'Agostino:

We are counsel to Defendant CWP Syracuse I LLC and we write jointly with Plaintiff's counsel to respectfully request that Defendant's time to answer, move, or otherwise respond to Plaintiff's Complaint be adjourned until Plaintiff's Remand Motion is resolved. Defendant's time to answer or otherwise respond to the Complaint was stipulated on consent to July 13, 2023, before removal and Your Honor subsequently so-ordered that agreed-upon date on June 26.

Prior to filing a motion to dismiss, or an answer and counterclaims, in federal court at this juncture, both Plaintiff and Defendant seek to further judicial economy by adjourning Defendant's time to answer or move until after Plaintiff's Remand motion addressing subject matter jurisdiction is resolved.

Pursuant to Rule 3 of Your Honor's Individual Rules, we respectfully advise that Defendant first received a copy of the Summons and Complaint filed in the state court action on May 23, 2023, and was served with the same on May 24, 2023.

Respectfully,

Perry M. Amsellem

Perry M. Amsellem

CC: All counsel (via ECF)